



March 31, 2005

✓ Ms. Adrienne Klein
Chief of Enforcement
BCDC
50 California Street, Suite 2600
San Francisco, CA 94111

Ms. Andrea Gaut
Principal Permit Analyst
BCDC
50 California Street, Suite 2600
San Francisco, CA 94111

Re: Permit #19-85 (B) Amendment No. Eight
Scott's Use of the Public Pavilion at Jack London Square
2004 Report

Dear Ms. Klein and Ms. Gaut:

A schedule of Scott's actual use of the Public Pavilion, an analysis of their use vis-à-vis your guidelines and a worksheet are attached for your review and comment.

Scott's exceeded their annual use by 10%, utilizing the Public Pavilion 110 days vs. the allowable 73 days. This left 255 days for public use vs. the required 292 days.

They also exceeded the number of weekend days/nights to be made available for public use of the Pavilion on average per month from May through October. The guideline of public use of the Pavilion in this category is 33%, they utilized it 51% of the time.

Regarding the required minimum number of weekend days/nights for public use in any month, they were in compliance with the exception of the month of May.

Scott's was in total compliance with the number of weekend days/nights to be made available for use of the Pavilion on average per month from November through April.

Comments and Suggestions:

- The quarterly schedules that are submitted to the Port and BCDC are not accurate reflections of actual use. They are obsolete as soon as they are submitted since they continue to book reservations on a daily basis – which is the nature of their business. For example, in their first quarter

submission, they did not list any reservations for the month of March. When reviewing their year-end actual use, they had six events in March. In their second quarter submission, they indicated two events during the month of May but actually booked an additional 16 events. The quarterly submissions make it impractical to effectively monitor whether Scotts has booked more than two consecutive private events at any time. I'm open to your suggestions of how we gather more timely – and accurate – reservations. Please refer to the Analysis of Pubic Pavilion Use 2004 and note the number of events in bold. These represent “unscheduled” events when compared to their quarterly calendars.

Suggestion: Scott's submits their schedules on a monthly basis rather than a quarterly basis.

- We will continue to monitor the use of Scott's tent particularly during tent set-up and breakdown. Scott's record of tent breakdown 12 hours after an event has been excellent, however, many times they require more than six hours set-up based upon the complexity of the event – particularly if an elaborate sound system, tiered stage and special lighting are required.

Suggestion: To amend Permit 19-85 (B) to allow 12 hours set-up time for the tent.

I welcome the opportunity to discuss this report in more detail with you and to discuss and determine next steps.

Sincerely,



Rhonda Hirata
Director of Marketing and
External Communications

cc: J. Washington
L. Eisele
J. Falaschi
J. Osmond

Analysis of Public Pavilion Use 2004

Events in bold denote unscheduled events that were not listed on the 2004 quarterly calendars

Sat	01/03/04	2:30 PM	Katy & Greg's Wedding Reception
Fri	01/16/04	11:30 AM	American Red Cross
Fri	01/16/04	6:00 PM	Bishop John Cummings
Sat	01/17/04	6:00 PM	River of Life Christian Fellowship
Fri	01/23/04	6:00 PM	Delta Gamma University
Sat	01/24/04	6:00 PM	Nancy's Specialty Foods
Wed	01/28/04	6:00 PM	Summit Medical Center
Sat	01/31/04	11:30 AM	Toyota Material Handling
Sat	02/07/04	7:30 AM	YWCA Literary Book Signing
Sat	02/07/04	6:00 PM	St. Luke's Missionary Baptist
Thur	02/19/04	6:00 PM	An Affair to Remember
Fri	02/20/04	6:00 PM	Saint Vincent's Day Home
Tues	03/02/04	6:00 PM	Russ' Celebration
Thur	03/11/04	6:00 PM	Harold Bosovich's Retirement
Sat	03/13/04	6:00 PM	ASPE
Sat	03/20/04	6:00 PM	Bill Leitz's Retirement
Fri	03/26/04	7:30 PM	Moreau Catholic High School
Sat	03/27/04	3:00 PM	Reception in honor of F. Richardson
Fri	04/02/04	6:00 PM	East Bay Vietnamese Association
Sat	04/03/04	8:00 PM	Skyline High School Prom
Sat	04/17/04	5:00 PM	Delta Gamma Sorority
Sat	04/24/04	6:00 PM	Hispanic Engineers
Fri	04/30/04	5:30 PM	John's Retirement Dinner
Sat	05/01/04	6:00 PM	Billi & Daniel's Wedding Reception
Sun	05/02/04	10:45 AM	Sigma Theta Tau Induction
Sun	05/02/04	6:00 PM	Callran/Sieb
Thur	05/06/04	8:00 PM	Tri Delta Sorority
Fri	05/07/04	6:00 PM	Cal State Hayward Business
Sat	05/08/04	10:30 AM	Alexis & Marcin/Carey & Antonio's WR
Fri	05/14/04	6:00 PM	San Leandro Hospital
Sat	05/15/04	6:30 PM	Julia's Bat Mitzvah
Sun	05/16/04	5:00 PM	Phyllis & Chris/Tami & Pedro's WR
Mon	05/17/04		Unscheduled Event
Tues	05/18/04	5:45 PM	American Institute Chemical Engineer
Thur	05/20/04	5:00 PM	Children's Fairyland
Fri	05/21/04	6:00 PM	Children's Hospital Faces for Future
Sat	05/22/04	1:00 PM	Showcase of Print Excellence

Sun	05/23/04	11:00 AM	College of Alameda
Mon	05/24/04	1:00 PM	Corrado's Memorial
Sat	05/29/04	5:00 PM	Michelle & Kenneth's Wedding Reception
Sun	05/30/04	6:00 PM	Naval Academy Parents Club
Wed	06/02/04	6:00 PM	Alameda County Develop. Disabilities
Thur	06/03/04	3:00 PM	Leap of Faith Event
Fri	06/04/04	11:00 AM	Farmer's Insurance
Sat	06/05/04	11:00 AM	Pinky 60th and James' 70th Birthday
Sat	06/05/04	6:30 PM	Debbie and Pat's Wedding Reception
Sat	06/12/04	5:30 PM	Barika & Eric's Wedding Reception
Fri	06/18/04	6:00 PM	Sarah & Jonathan's Rehearsal Dinner
Sat	06/19/04	6:00 PM	Mitchell's Bar Mitzvah
Sun	06/20/04	2:00 PM	Olga's 90th Birthday
Fri	06/25/04	5:30 PM	Doug Ferreira's Retirement Dinner
Sat	06/26/04	11:00 AM	Jamilah & Michael's Wedding Reception
Sat	06/26/04	6:30 PM	Jeanette's 40th Birthday
Sun	06/27/04	12:00 PM	American Red Cross
Sat	07/10/04	1:00 PM	Jayanta De's Celebration of Life
Wed	07/14/04	5:00 PM	Tay Yoshitani
Thur	07/15/04	5:30 PM	Mike's Retirement
Sat	07/17/04	5:30 PM	Teri & Matt's Wedding Reception
Sat	07/24/04	5:00 PM	Farrah & Agustin's Wedding Reception
Fri	08/06/04	12:00 PM	Oral Lee Brown
Sat	08/07/04	6:00 PM	College Park 20 Year Reunion
Sat	08/14/04	12:00 PM	New Test Incorporated
Sat	08/14/04	6:00 PM	Ct. Vaughn, Lt. Hadley & Invest. Leon
Sat	08/21/04	4:00 PM	Heather and Mike's Wedding Reception
Thur	08/26/04	6:00 PM	Eta's Retirement
Fri	08/27/04	11:30 AM	Hugh Galyean's Retirement
Sat	08/28/04	12:00 PM	Ducks Unlimited
Sun	08/29/04	4:00 PM	Estella & Andre's Wedding Reception
Thur	09/09/04	5:30 PM	Dennis Eagan's Retirement
Sat	09/18/04		Unscheduled Event
Sun	09/19/04	5:00 PM	Nat'l Coalition of 100 Black Women
Tues	09/21/04	4:00 PM	Southern Wine & Spirits
Fri	09/24/04	11:30 AM	Clorox
Sat	09/25/04	6:00 PM	Carondelet/De La Salle Reunion
Tues	09/28/04	11:45 AM	Holy Names
Sat	10/02/04	5:00 PM	Oakland High 50 Year Reunion
Wed	10/06/04	6:00 PM	Next Step Learning Center
Sat	10/09/04	6:00 PM	Christian Church Homes

Thur	10/14/04	12:00 PM	Southern Wine & Spirits
Fri	10/15/04	5:00 PM	Beta Alpha Phi Reception
Sat	10/16/04	5:00 PM	Sarah and Cheshire's Wedding Reception
Sun	10/17/04	3:30 PM	Stephanie & Cedric's Wedding Reception
Sat	10/23/04	12:00 PM	Debbie & Tim's Wedding Reception
Sat	10/23/04	6:00 PM	Smile Train Fundraiser
Wed	10/27/04	11:30 AM	Airport Area Business Association
Sat	10/30/04	11:00 AM	Elisabeth & Silviu Wedding Reception
Sat	10/30/04	5:00 PM	Lourdes & Andrew's Wedding Reception
Thur	11/04/04	6:00 PM	EBAETC-HIV Perinatal Symposium
Sat	11/06/04	10:00 AM	Claire and James's Wedding Reception
Sat	11/06/04	6:00 PM	Maya's Bat Mitzvah
Tues	11/09/04	6:00 PM	EBAETC-HIV Perinatal Symposium
Sat	11/13/04	6:00 PM	Temple Israel
Fri	11/19/04	11:30 AM	11 th Annual Chamber of Commerce
Sat	11/20/04	7:30 AM	Oakland Postal Service Recognition
Sat	11/20/04	6:00 PM	Master Florist Association
Sat	11/27/04	6:00 PM	Pinole Valley High Reunion
Wed	12/01/04	6:00 PM	EBAETC
Fri	12/03/04	6:00 PM	Blood Testing Holiday Party
Sat	12/04/04	6:00 PM	MWH
Sun	12/05/04	7:00 PM	Guava Technologies
Thur	12/09/04	5:00 PM	U of CA Holiday Reception
Fri	12/10/04	6:00 PM	Kaiser Division of Research
Sat	12/11/04	11:30 AM	FBI
Sat	12/11/04	6:00 PM	Washington Mutual Bank
Thur	12/16/04	11:00 AM	Volunteers Appreciation Luncheon
Fri	12/17/04	12:00 PM	Oakwood Worldwide
Fri	12/17/04	7:00 PM	Bigge Crane
Sat	12/18/04	6:00 PM	Cook's Collision
Sun	12/19/04	11:00 AM	Joy's Graduation Luncheon

Permit 19-85 (B) Amendment No. Eight					
Scott's Use of the Public Pavilion					
2004 Analysis					
% of use per year	80%	70%	20%	30%	
# of days available per year for use of the Public Pavilion	292	255	73	110	
# of weekend days/nights* to be made available for use of the Pavilion on average per month from May - October	6	6.8 days (avg. use)	3	6.5 (avg. use)	33% (Guideline) 51% 49%
Minimum # of weekend days/nights for public use in any month	3	In compliance in all months except May			
# of weekend days/nights* to be made available for use of the Pavilion on average per month from November - April	5	7.6 (avg. use)	4	5 (avg. use)	40% (Guideline) 60% 40%
* weekend nights = Friday and Saturday*; weekend days = Saturday and Sunday					

Permit 19-85 (B) Amendment No. Eight
Scott's Use of the Public Pavilion
2004 Worksheet

May - October

Guidelines for 80 Days:

- 67% Public use. $67\% \text{ of } 80 \text{ days} = 53.6 \text{ days}$
- 33% Private use. $33\% \text{ of } 80 \text{ days} = 26.4 \text{ days}$

Actual Use:

- Public 51.25% = 41 days
- Private 48.75% = 39 days

Average Actual Use per Month:

- $41 \div 6 \text{ months} = 6.8 \text{ days average Public use}$
- $39 \div 6 \text{ months} = 6.5 \text{ days average Private use}$

Number of Weekend Days and Nights per Month:

May	14
June	12
July	14
August	13
September	12
October	<u>15</u>
	80 days

November – April:

Guidelines for 77 Days:

- 60% Public use. $60\% \text{ of } 77 \text{ days} = 46.2 \text{ days}$
- 40% Private use. $40\% \text{ of } 77 \text{ days} = 30.8 \text{ days}$

Actual Use:

- Public 60% = 46 days
- Private 40% = 31 days

Average Actual Use per Month:

- $46 \div 6 \text{ months} = 7.6 \text{ days average Public use}$
- $31 \div 6 \text{ months} = 5 \text{ days average Private use}$

Number of Weekend Days and Nights per Month:

November	12
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December	13
January	14
February	13
March	12
April	<u>13</u>
	77 days